

APPROVED: Meeting No. 4-83

ATTEST

Helen M. Heneghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 3-83

January 31, 1983

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, January 31, 1983.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; Assistant City Attorney David Podolsky.

Re: City Manager's Report

Mr. Blick reported the following:

1. On January 19, the City's Traffic Engineer addressed the Transportation Research Board of the National Academy of Science and the National Academy of Engineering on the need for better warrants for pedestrian signals and better signal design to meet pedestrian needs.
2. Seventy City employees have volunteered to take an introductory course in data processing put on by Channel 26 every Wednesday and Friday at noon in the Council Chamber.
3. The State Highway Administration has given final approval to the pedestrian study grant regarding pedestrian safety at Rt. 355 and 28.
4. The Director of Recreation and Parks, Ron Olson, has been named to serve on the National Fitness Coalition which was formed out of a meeting between the president of the Council on Physical Fitness and Sports and the National Recreation and Parks Commission and the National Association of Governors Council on Physical Fitness Sports. The coalition exists to encourage local park and recreation authorities to promote fitness as a priority, to influence proper attitudes about fitness and to stimulate cooperative programs and demonstration projects.

Mayor Freeland told the audience that the Senior Citizens Center at Woodley Gardens initiated its Bingo program last week. There were between 150 and 200 attendees. The Knights of Columbus of Montgomery County has agreed to assist in the operation of the game for 90 days. Profits will go to defray the cost of the Center.

Re: Proclamation: To Commend
the Rockville Lions Club

Proclamation No. 2-83

There being no objection from the Council, Mayor Freeland proceeded to issue Proclamation No. 2-83, commending the Rockville Lions Club on its 45th Anniversary. Councilman Duncan read the proclamation at the request of the Mayor in which it was urged that all citizens recognize the Rockville Lions for their outstanding contributions to the City.

Mr. Owings England, President of the Rockville Lions, accepted the proclamation on behalf of the club.

(At this time, Councilman Abrams left the meeting.)

Re: Appointments

Mayor Freeland nominated the following persons for appointment. They were confirmed by unanimous vote of all present.

Housing Policy Task Force: Donald Boebel, Al Mohorn, Arlene Simons, Ruth Spector and Sima Osdoby.

Advisory Commission on Public Education: Alicia Fink - two year term
7 Kettle Pond Court
Charles Haughey - two year term
1000 Aster Boulevard

Senior Citizens Commission: Lisa Taylor - temporary alternate
904 College Parkway

Alternative Community Service Commission: Gregory McKenna - full member - 2 year term
Mead Karras - alternate - 2 year term
200 Evans Street (as of 3/1/83)

Board of Election Supervisors: Jean Fleming - 4 year term
2291 Glenmore Terrace

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Joseph Lynott, 51 Monroe Street. Mr. Lynott spoke to the Council on behalf of his client, Rockville Pike Joint Venture Limited Partnership, the owner

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of the Wintergreen Shopping Center and addressed item 13 on this evening's agenda, which is preliminary review and referral of text amendment application, T-55-83. He referred to a letter which was presented to the Council this evening and read the letter to the Council in which he suggests a compromise. Mayor Freeland thanked Mr. Lynott for his remarks and said the Council will discuss the letter when item 13 is reached. Mr Lynott is welcome to stay and speak to the Council at that time.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the Citizen's Forum portion of the meeting.

Re: Approval of Performing Arts
Series for 1983-1984 as proposed
by the Society for Theatre Arts
in Rockville

The Board held its initial meeting as the Friends of the Arts Task Force on November 10, 1982. Since that meeting, the full Board has met 6 times and various committees have met as needed. The following are the more significant actions taken:

1. Selected "Society for Theatre Arts in Rockville" (STAR) as the name of the organization.
2. Approved the Articles of Incorporation and adopted By-laws. Application for tax exempt status will be filed with Internal Revenue Service when the Articles are returned from Annapolis.
3. Elected officers and established working committees.
4. Approved a logo for stationery and advertising.
5. Adopted a schedule of membership categories and the dues for each.
6. Began membership campaign with (1) article and coupon in "FOCUS" and (2) full page ad and program insert in playbill for performances of January 21 and 22, 1983.
7. Selected following tentative artists and dates for 1983-84 season:

9/23-24	Capital Chamber Opera*
10/21-22	David Troup and Dorothy Kingston*
1/20-21	Doc Watson*
2/10-11	Maryland Symphony Orchestra
3/16-17	Riverboat Ragtime Revue*
4/27-28	North Carolina Dance Company*

*Includes Saturday children's performance.

8. Developed a proposed budget:

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REVENUES

Memberships	\$14,550
Outright Donations	1,000
Subscriptions	32,910
Individual Tickets	6,750
Playbill Advertising	1,200
Dinners (net of expenses)	1,850
Pre Show and Intermission Sales	<u>2,000</u>
Total Revenue	\$60,260

EXPENSES

Performers	\$47,500
Advertising	10,000
Membership/Fund Raising	200
Ticket Servicing	750
Memberships in other groups	300
Playbills	1,800
Miscellaneous	<u>2,338</u>
Total Expenses	\$62,888
Projected Deficit	<u>\$ 2,628</u>

Note: The projected cost of \$1,500 for "Meet the Artists" receptions is expected to be funded by one or more donations.

In connection with the proposed budget, the following matters should be noted:

1. Budgeted revenues do not include amounts for grants or other ticket sales.
2. Mr. & Mrs. Arnold Barnett have volunteered to perform essentially all administrative functions, including maintenance of membership roles, at no cost, thereby eliminating the need for significant amounts of City staff time or paid staff.
3. In order to assist STAR in its initial year, STAR requests that the City provide facilities and technical theatre assistance for the 1983-84 season. In addition, the budget indicates a deficit of \$2,628; STAR requests that the City be prepared to fund this operating deficit, if necessary.
4. Subscription prices have been set at \$49.50 each, so that the cost of 6 performances for a couple will remain under \$100.

John Griffin, president of STAR, presented the proposal to the Council and introduced the other members present - Patricia Smart, Sondra Taggart, Arnold Barnett, Mary Horseman, Eileen Mader, and Joseph Adams

Mayor Freeland noted that the Arts Series was originally budgeted for \$26,000. This year the group is only asking for \$2,600 which is a substantial

change. He congratulated the group on its actions to date and wished it tremendous success in the future. Councilman Duncan noted that the other member of STAR is absent due to a death in his family.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the budget and program for the Society for Theatre Arts was approved by the Mayor and Council. (At this time, Councilman Abrams returned to the Meeting.)

Re: Work Session with Recreation and Parks Advisory Board: a) Open Space Plan through 1990; b) Status report on bikeways plan; c) Picnic permits policy; d) Concession policy; e) Sponsors and special events; f) Miscellaneous items

Mr. Charles Leasure, Chairman of the Board introduced the other members present this evening: Mr. Leitner, Mr. Boebel, Mr. Edwards and Mr. McArthur. Mayor Freeland introduced the intern to the Recreation and Park Board, Nicholas Monaco, a student at the University of Maryland, present this evening. The work session began with a planned agenda:

a) Open Space Plan through 1990 - The Mayor and Council discussed this with the Board and agreed to defer action until a later time.

b) Status report on bikeways plan - Action was deferred on this matter until more information is available.

c) Picnic Permit policy - A schedule of proposed increases in the community recreation building rental fees and picnic fees was presented to the Council for review and action. There has been no increase in these users fees since 1976. Current fees are inadequate to cover maintenance and utility costs. The Council and the Board discussed these fees at length. It was Mrs. Hovsepian's contention that there was a very large jump in costs at this time. Mr. Olson pointed out that the memorandum attempted to address those groups that would be adversely affect such as Boy Scouts, Brownies, and civic associations and it would seem the only frequent user left was Rockville Little Theatre. The Mayor and Council suggested Rockville Little Theatre's fee can be factored into the basic contract that the City negotiates with Rockville Little Theatre for use of other buildings.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council agreed to the increase and the limits recommended in group sizes while instructing the staff to work out special arrangements with Rockville Little Theatre, although they were not spelled out by the Mayor and Council.

d) Concession Policy - There are many groups that provide food and concession services at some of the special events run by the City. The staff has suggested a fee of 5 percent of the net sales be given to the City. The Recreation and Park Board has recommended against this since the groups are philanthropic and their net proceeds go back into the community and a second reason is that the groups provide all their own volunteers, purchase supplies and take the risk of inclement weather.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Mayor and Council agreed to stay with the current policy and not charge the groups.

e) Sponsors and Special Events - Currently, there are three special events that are impacted by private business - the Memorial Day Parade in which local businesses, at the City's request, contribute toward the cost of the trophies; the Independence Day celebration at which last year for the first time a local Rockville businessman donated about \$2,500 in fireworks, and the Rockville Car Show, where the Rockville Chamber of Commerce has expressed interest in taking over the administration production of the Car Show. After discussion, on motion of Councilman Abrams duly seconded and unanimously passed, it was agreed the City would retain the administrative and productive responsibility for the special events with the exception of the Antique Car Show, provided the Chamber of Commerce agreed to take over this event. At the same time, the City would not preclude contributions from private organizations.

The Mayor asked that the Open Space Plan and the Bikeway Plan be brought back to the Mayor and Council on the agenda as soon as possible. The Mayor and Council thanked the members of the Park Board for their service and their presentation this evening.

Re: Award of Contract: Bid No. 30-83,
Kitchen equipment - Senior Center

An invitation to Bid was issued for the acquisition of a double-interlocking ancil fire protection system, demolition of an existing kitchen hood system, and acquisition of a new island type hood for the Rockville Senior Citizen Center.

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The IFB opened January 11, 1983, and bids were received from Baltimore Fire Protection and Equipment Company, Inc. and William B. Maske, Inc.

The IFB was mailed to fourteen (14) companies. The Contract Officer conducted a survey to determine why only two bids were received. The following information was obtained. Guardian Fire Protection Service, Inc. had indicated it would bid "direct" but chose instead to act as a sub-contractor for William B. Maske, Inc. Inasmuch as Designmark Limited also preferred Guardian as a sub-contractor, it chose not to bid. Kidde Fire Protection Equipment Company encountered difficulty in visiting the site but did not notify this office. LeBow Equipment was hesitant to bid because the company felt that competition was "excessive". Alloy Metal Products misread the bid opening day.

Baltimore Fire Protection and Equipment Company, Inc., was determined to be non-responsive inasmuch as the company did not submit the bid bond, non-collusive statement, non-responsibility statement, or a complete bid sheet.

W.B. Maske was determined to be fully responsive. The company submitted all required documents, took no exceptions to any terms and conditions, bid on all required items, and was evaluated by the Senior Center Building Supervisor to be in compliance with all technical specifications.

W.B. Maske bid a total of \$9,404.00 for all items with a 1/2% - 20 day prompt payment discount. The price is considered fair and reasonable. The budgeted amount is \$10,000.00

Based on the above-cited information, it is recommended that award be made by the Mayor and Council in the amount of \$9,404.00 for the acquisition of the subject hood and fire protection system.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 30-83 was awarded to the W.B. Maske Company in the amount of \$9,404.

Re: Award of Contract: Montgomery
County Cooperative Gas Purchase

Invitation to Bid (IFB) #7895 was issued for the acquisition of leaded and unleaded gasoline by the participating jurisdictions. The City was listed as a participant.

Bids were opened November 22, 1982, and five bids were received. Based on the evaluation cited below, award was made on January 3, 1983, to Stewart Petroleum Company by the Council of Governments.

Per the terms of IFB, each jurisdiction is to execute its own contract and issue a subsequent purchase order.

Per the terms of the IFB, quotations were allowed on both a firm fixed price basis and an alternate method incorporating an escalating price provision.

For purposes of final evaluation, the Council of Government Purchasing subcommittee used the price inclusive of an escalator provision for regular and unleaded gas in both truck transport and tank wagon categories. Final evaluation was based on a per unit cost. "Pick-Up" quotations (with purchaser furnishing transport) did not enter into the final evaluation.

Upon reviewing the bids, long range prices, and supply stability, Stewart Petroleum was awarded the contract as the low bidder in all categories on an escalating price basis.

Based on the above referenced information, it is recommended that award be made by the Mayor and Council to Stewart Petroleum Company for the total estimated cost to the City of \$116,390.00 for the base period of twelve months cited above.

It is also recommended that the City agree to the extension of the contract for two (2) additional one (1) year periods upon review by the Mayor and Council ninety (90) days prior to the end of the base year. Per the terms of the Invitation to bid, the Contract may be extended upon the concurrence of all jurisdictions.

The original budgeted amount of FY 83 for leaded and unleaded gasoline was approximately \$130,000 based on an estimated requirement of 100,000 gallons and an average estimated cost of \$1.30 per gallon (including road tax). Between July 1, 1982, and December 31, 1982, the City has used 32,000 gallons of unleaded gasoline for a total of \$36,688 and 24,000 gallons of leaded gasoline purchases for the latter half of FY 83.

It should be noted that the terms of the Invitation to Bid state that "multi-year contracts may be continued each fiscal year only after funding appropriations and program approvals have been granted." The balance of the funds for this contract will be approved in the FY 84 budget.

On motion of Councilman Tyner, duly seconded and unanimously passed, award was made to Stewart Petroleum with an estimated cost to the City of \$116,390.

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Re: Introduction of Ordinance:
To amend Section 11-1.06 of
the "Laws of Rockville" entitled
"Traffic, Vehicles and Transporta-
tion", to provide for a penalty
for late payment of Fines.

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to amend Section 11-1.06 of the "Laws of Rockville" entitled "Traffic, Vehicles and Transportation", to provide for a penalty for late payment of Fines.

Councilman Tyner asked if there might be more information on the numbers and amount of money this involves when the ordinance comes back for adoption.

Re: Adoption of Ordinance:
To regulate the sale of second-
hand personal property

Ordinance No. 1-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 1-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, regulating the sale of secondhand personal property, was adopted by the Mayor and Council.

Re: Adoption of Resolution:
To authorize City participation
in local government investment
pool

Resolution No. 6-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 6-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, authorizing City participation in the local government investment pool was adopted by the Mayor and Council.

Mayor Freeland asked to what figure these investments are guaranteed. Mr. Lawton said investment is only allowed in those securities that are guaranteed by the United States Government.

Re: Decision on subsidizing Universal
Cable Service

Montgomery County is finalizing its franchise negotiations with the Tribune United Company. Montgomery County has requested a response from the

City regarding a previously negotiated option for free universal service for lower income residents of the municipality.

Rockville has the option to provide a free universal CATV service to lower income Rockville citizens by either: a) establishing a higher rate for Rockville paying subscribers or b) allowing the municipality to underwrite the cost of this basic CATV service for low income residents who meet established needs criteria.

Given the number of channels being offered by Tribune United at the low monthly rate of \$1.50 per month, it would appear unnecessary for the City to have to consider any form of subsidy to any Rockville residents.

Staff recommends that the City notify the County that it does not wish to exercise its option of subsidizing a free universal service.

Councilman Tyner asked if the decision this evening closes out further options to the City. Mr. Hobbs explained that these rates are in effect for 49 months. The City would get another chance to subsidize but it will have to do so by a lump sum not by rate.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Council agreed to notify the County that it does not wish to exercise its option of subsidizing a free universal service.

Re: Preliminary Review and Referral
of Text Amendment Application,
T-55-83, Danik, Inc., Applicant

The subject Text Amendment was filed by Rockville Pike Joint Venture Limited Partnership, owner of the Wintergreen Shopping Center. The application proposes to amend Article 3, Section 3-607(c) page 98 of the Zoning and Planning Ordinance to permit one additional building identification sign for commercial buildings facing onto parking lots and main entrances that do not have street frontage in all commercial, industrial, and O-1 Zones. No such signs shall be permitted to face land zoned for residential purposes under this proposed Text Amendment.

Joseph A. Lynott, Esquire, representing Wintergreen Shopping Center has requested, to amicably resolve the alledged violation at the shopping center that 1) the Mayor and Council stay its enforcement of the sign ordinance against his client until such time as the new sign ordinance is adopted; 2) In the event the sign does not conform to the new sign ordinance, they will bring our

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sign into conformance with the new ordinance. However, in the event the Mayor and Council have not adopted a new sign ordinance by January 1, 1984, they would like the City to entertain a new text amendment so that 2 signs could be permitted on the retail establishment under certain conditions, and 3) Even though they dispute the legality of the fines presently being imposed under the Municipal Infraction Ordinance, they will pay the City at this time a fine in the amount of \$2,000.

Councilman Tyner said it is important to follow the sign ordinance. He suggested that this be done. He noted that in the memorandum from the staff "stronger legal action" was mentioned. He asked that that be explained. Mr. Podolsky, Assistant City Attorney explained the administrative injunction process.

Councilman Duncan suggested the City might go lightly until the new ordinance is in place. Since the staff had discussed several options, it was his feeling that the Mayor and Council should reject the text amendment application and incorporate that concept into a new ordinance, stay enforcement and resolve the entire matter in twelve months.

Councilman Tyner disagreed. He felt the Mayor and Council should reject the application, incorporate the concept into a new ordinance, seek stronger legal action to remove the sign and resolve the question in twelve months. Councilman Duncan said that Rockville Pike is filled with illegal signs and the sign ordinance should be changed in a year which will make this particular sign in conformance. It would seem to be a waste of everyone's money to take it down. Councilwoman Hovsepian said she agrees with Councilman Tyner.

The City Manager said if there were not a new sign ordinance in progress, he too would agree with Councilmembers Hovsepian and Tyner and recommend option 4; however, the problem is the way the sign is facing; it is not the type of bad sign the staff is trying to outlaw. He would prefer a fine accepted since the law was broken and stay enforcement until the end of the year. He suggested that the Council go with the recommendation as suggested by Councilman Duncan. Councilman Abrams said he would have no problem with that if a bond could be posted to cover removal of the sign and if a legal agreement was drawn up ruling out a grandfather clause when the new sign ordinance is adopted. Mr. Lynott said he could accept those two conditions. Councilwoman Hovsepian said this type of action might encourage others to do what Dash's clothing store has done. Mayor

Freeland noted the severe penalty that follows that action and others will have to consider it. Councilman Tyner said he still disagrees since this person has defied the City.

Councilwoman Hovsepian moved, duly seconded that the Council reject the application, incorporate its concept in the new ordinance, seek stronger legal action to remove the sign and resolve the entire question in twelve months. The motion was defeated with Councilmembers Hovsepian and Tyner voting aye and all others voting nay.

Councilman Duncan moved, duly seconded, that the Mayor and Council reject the application, incorporate the concept into the new ordinance, stay enforcement, resolve the matter in twelve months accepting the \$2,000 payment for the municipal infraction fine and draw up a legal agreement that will rule out a grandfather clause and have a bond posted in a sufficient amount to pay for sign removal if it is not conforming when the new ordinance goes into effect. The Council continued discussion and debate. Councilwoman Hovsepian called the question. The motion passed, Mayor Freeland and Councilmembers Abrams and Duncan voting aye and Councilmembers Hovsepian and Tyner voting nay.

Re: Adoption of Amendments to
Rockville Goals

In 1978, the Mayor and Council of Rockville adopted Goals and Objectives for the City. There are 7 goal areas: Government; Environment; Human Resources; Transportation; Recreation and Leisure Time; Community and Economic Development; Health and Safety. There are 66 objectives identified in the 7 goal areas. The Mayor and Council recently reviewed the Goals and Objectives to see whether they were still relevant to Rockville today, and whether there should be any changes to the Goals and Objectives as currently stated.

The Goals and Objectives as approved by the Mayor and Council in January, 1978 are statements of what the City government organization would like to accomplish. They give the role of City government a focus for service provision and some benchmarks to relate specific accomplishments to broader areas.

There was considerable discussion about the role of citizenship vis-a-vis the goals and objectives. Since the current goals and objectives speak to the role of the City government, they do not directly address the role of citizens and what citizens can do to support the City government. Such support

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varies from exercising the right to vote, to serving on Mayor and Council established Boards and Commissions, to acting as volunteers in various programs sponsored by the City government.

One way to address this issue would be to add an introduction to the Goals and Objectives statements through a citizen participation process and the on-going role of citizens in the activities of government.

A few minor changes were made during the review of the objectives and these have been incorporated into the goals document. They are as follows:

Additions are underlined
Deletions are /bracketed/

10. To act as an advocate for its citizens to influence the decisions of other governmental entities (County, State, Federal, WSSC, Board of Education, WMATA, etc.)
24. To facilitate and encourage opportunities for education, training, and employment /so that all persons may develop and use their talents and skills to the fullest./
63. To maintain a program to provide for public safety in the event of a natural disaster or other emergency, in supplement to Montgomery County's efforts.
65. To assure adequate protection of life, property, and civil rights from loss due to fire, criminal behavior, and negligence, or from threats to public safety and peace, in supplement to Montgomery County.

There was also some interest on the part of the Mayor and Council to rework objective #64, but the exact nature of the restatement is unclear. The objective currently reads:

64. To promote the establishment of public medical emergency facilities within the immediate Rockville area.

The Council discussed the relevance of #63, 64 and 65. The City Manager explained that #64 was originally incorporated because of the start up of the Shady Grove facility.

On motion of Councilman Duncan, duly seconded and unanimously passed, Nos. 63 & 64 were deleted and No. 65 became 63.

Re: Award of Contract: Purchase
of Police Patrol Cruiser

Approval is requested for the purchase of one Police Patrol Cruiser through the Montgomery County Sealed Bid No. 7902 opened at 2:00 p.m. on December 7, 1982. The base price of the unit is \$8,293.00 with an additional option of a tilt wheel for \$86.10 for a total cost of \$8,379.10. There is

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\$9,400 is available through the Equipment Replacement Fund for FY 83, for this purchase.

Montgomery County's sealed bid procedure is substantially the same as the City's, meeting the requirements of the purchasing procedures. The successful bidder, Chevy Chase Chevrolet, has agreed to provide the items specified.

This is the only unit of this type to be purchased by the City in this fiscal year. Because of only buying one unit, a City bid would probably result in an increased expenditure. Purchasing through this Montgomery County contract allows quantity pricing.

Staff recommends the award to Chevy Chase Chevrolet, the low bidder on Montgomery County Bid No. 7902 in the amount of \$8,379.10.

On motion of Councilman Abrams, duly seconded and unanimously passed, the bid for the Police Cruiser, No. 7902 was awarded to Chevy Chase Chevrolet, the low bidder in the amount of \$8,379.10.

Re: Adoption of Resolution: To amend the Charter of the City of Rockville by adding and expanding the types of public improvements and purposes thereof which may be the subject of special assessments

Resolution No. 7-83

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 7-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, amending the Charter of the City of Rockville by adding and expanding the types of public improvements and purposes thereof which may be the subject of special assessments, was adopted by the Mayor and Council. The Charter Amendment will become effective on March 22, 1983, unless on or before March 12, 1983, a petition for referendum is presented to the Council.

Re: Adoption of Resolution: To amend the Charter of the City of Rockville to simplify the procurement requirements

Resolution No. 8-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 8-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, amending the Charter of the City of Rockville to simplify the procurement requirements, was adopted by the Mayor and Council, as amended to delete any reference to gender.

The Charter Amendment will become effective on March 22, 1983, unless on or before March 12, 1983, a petition for referendum is presented to the Council.

Re: Adoption of Ordinance: To
repeal and re-enact Section
2-1.04.I. of Chapter 2, entitled
"City Manager" to refine
the procurement process

Ordinance No. 2-83

On motion of Councilman Tyner, duly seconded and unanimously passed, amendments were made to reflect the gender change and the effective date to be marked the same date as the Charter Resolution becomes effective.

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 2-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, refining the procurement process, was adopted as amended.

Re: Adoption of Ordinance: To
adopt a new Chapter 5 of the
"Laws of Rockville", to provide
rules and regulations for City
purchases and contracts

Ordinance No. 3-83

On motion of Councilman Tyner, duly seconded and unanimously passed, the Ordinance was amended to raise the bid limit to \$20,000.00 and to amend section 1-1.06 to make the effective date that of the Charter Resolution and also to reflect all the changes in gender. Mayor Freeland suggested that the Mayor and Council be given a monthly summary of how the money is being spent on contracts, according to estimated amount, in order that the Council be kept informed now that the bid limit has been raised. The City Manager said this will be easy to accomplish if expenditures between \$10,000 and \$20,000 are done. The Council agreed to this suggestion.

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 3-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, adopting rules and regulations for City purchases and contracts, was adopted as amended.

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Re: Authorization of Agreement -
Water Main Construction - Research
Boulevard

An existing City water main crossing the Prudential property on Research Boulevard at Gude Drive must be relocated to accommodate proposed site improvements. Prudential has agreed to pay the cost of the relocation if it is undertaken by the City as a special assessment with the costs spread over twenty (20) years.

It is recommended that the Mayor and Council authorize a water project covering the extension of a new 12" water main in Research Boulevard running between the present terminal points of the existing pavement, a distance of approximately 2500 linear feet, at an estimated cost of \$82,750, to be shared by Prudential; \$34,250; Gude Drive Project: \$15,000; and the Water Fund: \$33,500. It is further recommended that the Mayor and Council authorize the City Manager to execute the attached agreement between the City and Prudential covering the terms of installation and repayment of the project.

On motion of Councilman Duncan, duly seconded and unanimously passed, authorization was given to undertake the water main construction at Research Boulevard.

Re: Authorization of Special
Assessment project and
Waiver of Public Hearing

A tract of land owned by Henry and Hilton Carter, located on Ritchie Parkway opposite Jefferson Place subdivision, is currently being processed for subdivision approval by the City's staff. The subdivision will contain 32 single family and 32 townhouse lots.

A "request and waiver" form was submitted by the Carters requesting the City install the water and sanitary sewer system and assess the cost against the newly created, benefitting lots.

The City's current policy is to not install water and sanitary sewer in new subdivisions under the special assessment procedures. However, at the time of adoption of this new policy, the Mayor and Council granted exemptions to those land tracts which were at that time in the process of subdivision review by the City's Planning Commission. This is one of the tracts which falls within the parameters of that exemption.

The estimated cost of the project is \$134,000. The term of assessment will be twenty (20) years.

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On motion of Councilman Tyner, duly seconded and unanimously passed, authorization was given to proceed with this special assessment project.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Board of Appeals re proposed sign requirements
2. Virginia Keech, re refuse fee
3. Keith Fisher, thank you for appointment
4. Delegate Gordon, re HB 33, Charter Amendments

Councilwoman Hovsepian said she would like more information. The Mayor said the staff will be providing that but it does not seem to pertain to the City.

5. Tracy Walthall, re litter problem

Councilwoman Hovsepian asked that the staff look into this litter problem. The Mayor agreed and asked the staff to make contact with the correspondent and work to get the property cleaned up.

7. J.L. Knott, re housing on the Maryvale site

Councilwoman Hovsepian asked if the Mayor and Council should do anything on this request. The Mayor asked that a letter be sent to Mr. Knott asking that he work with the Housing Policy Task Force.

8. Eugene Thirolf, re Dawson Farmhouse
9. M. Cline, Somerset, re thank you to staff

Mayor Freeland acknowledged this letter and asked that a copy be sent to Mr. Johnson.

10. Delegate Forehand, re transportation matters.

Re: Information items

1. Copy of Montgomery County Memo re Disposal User Fees
2. Copy of citizen's letter re dangerous intersection and response
3. Information on skip lanes at #355/Park Road
4. Status of Enclave Legislation

The Mayor and Council agreed they will monitor the enclave legislation and see if the County would go along with it.

5. Planning Department report on Lone Oak School reuse application
6. Planning Director's letter re Transportation Planning Program Citizen Advisory Committee
7. ACSC activities
8. Planning Commission report and recommendation on T-54-82, Burgundy Park Associates

Councilman Tyner asked the status of this. The City Manager said it is still with the Planning Commission.

9. Memo from Community Resources re Rent Increases at Congressional Towers
 10. Memo from CDHA re 706 Gormley Drive
 11. Memo re Adequate Public Facilities Ordinance
- Councilman Tyner thanked the staff for preparing this information.
12. Information on Rockville Deli license problems

Councilman Abrams suggested that in the future when dealing with situations such as this, the staff be sure that minority residents comprehend the law when there might be an economic consequence. He asked that the staff make an effort to see there are no misunderstandings. He is not satisfied in this particular case that every effort was made to do that.

Re: New Business

1. Councilman Tyner said on Thursday at 4:30 he will talk to people on the Hill on revenue sharing. He would like an updated letter from the Mayor on this. The Mayor said a letter would be ready and he asked that this be done. Councilman Tyner suggested the City Manager's Report weekly include Maryland Municipal League information that the Manager receives in his capacity as action agent for the City.

Councilman Tyner said it is now adopted Maryland Municipal League Policy that when elected officials take an office with the League they do so at the expense of their local chapter or the City that they represent. It has been agreed that as a Chapter the Chapter will support stances taken by the Maryland Municipal League. However, individual cities may take individual positions.

2. Councilman Tyner asked the status of the REAP group and the Convocation. The Mayor said he has talked to Rev. Kaseman and the City Manager and identified about 6 people for the convocation. To date, the plans now call for some sort of rustic retreat but it will not be done before June. Until such time as the City finds out what the convocation can produce it may be premature in working on the REAP program.

3. Councilwoman Hovsepien suggested that a letter be sent to the delegation saying that the City supports the Takoma Park request for referendum for being in only one County. The Mayor asked that a letter be sent to Montgomery County government saying that the City supports this position and requesting that the Montgomery County government take a position and asked the delegates to support it.

4. Mayor Freeland said he has been asked by the Human Rights Commission to investigate whether or not the new hate and violence ordinance restricts the

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power of the Human Rights Commission. He asked that the City Attorney look into that and get back to the Human Rights Commission.

Re: Approval of Minutes:

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting 1-83, January 10, 1983, were approved as amended.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting 2-83, January 17, 1983, were approved as written.

Re: Adjournment

There being no further business to come before the Council, the meeting was adjourned at 11:45 p.m. to convene again in executive session on Monday, February 7, 1983, at 7:30 a.m.

Re: Executive Session

The Mayor and Council convened in executive session on Monday, February 7, 1983, at 7:30 a.m. in the Board and Commission Room. Present were Councilman John Tyner, Councilwoman Viola Hovsepian, Councilman Douglas Duncan, Councilman Abrams (arrived at 7:50 a.m.) and Mayor Freeland (arrived at 9:55 a.m.)

The Mayor and Council convened in executive session to discuss the possibility of a company locating in the area.

There being no further business to come before the Council in executive session the meeting was adjourned at 9:55 a.m. to convene again in general session on Monday, February 14, 1983, at 8:00 p.m. or at the call of the Mayor.